

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Letting Agent Enforcement Order (LAEO): Section 48(7) of the Housing (Scotland) Act 2014 ("the Act")

Chamber Ref: FTS/HPC/LA/19/2280

**Wallace View, Ferry Road, South Alloa, Falkirk, FK7 7LF
("the House")**

The Parties:-

**Mr Kenneth Kendall-Ball, Nyadd Cottage, Blair Drummond, Stirling, FK9 4UN
("the Applicant")**

**RKH Property Management Limited trading as Martin & Co, 14 King Street, Stirling,
FK8 1AY
("the Letting Agent")**

Letting Agent Registration Number: LARN1903080

The Tribunal:-

**Gillian Buchanan, Legal Member & Chair
Eileen Shand, Ordinary Member**

Whereas in terms of their decision dated 15 October 2019, the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Letting Agent has failed to comply with the Letting Agent Code of Practice ("the Code") and in particular that the Letting Agent has failed to comply with the following aspects of the Code :-

- Section 2, paragraph 27;
- Section 4, paragraphs 45, 46 and 70; and
- Section 5, paragraph 85.

the Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failures listed above.

The Tribunal requires the Letting Agent to:-

Pay to the Applicant the amount of £6,083.76, as compensation for the loss suffered by the Applicant as a result of the failures to comply with the Code, that sum comprising:-

- i. £183.70 being the costs incurred by the Applicant to "5th Gear Hire Drive" to facilitate moving to the House;
- ii. £1,520.06 being the costs incurred by the Applicant to "Doree Bonner" in removing from the House;

- iii. £230.00 being the costs incurred by the Applicant in installing and relocating a TV aerial at the House;
- iv. £150.00 being the pet deposit paid by the Applicant to the Letting Agent in terms of the Tenancy Agreement dated 1 February 2019 and retained by the Letting Agent;
- v. £1,500.00 being the rent paid by the Applicant to the Letting Agent in terms of the Tenancy Agreement dated 1 February 2019;
- vi. £2,500.00 in respect of the delay, stress, worry and inconvenience suffered by the Applicant.

The Tribunal orders that the payment specified in this Order must be paid over and completed within the period of 14 days from the date of service of this Order.

A party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Please note that in terms of section 51(1) of the Act, a Letting Agent who, without reasonable excuse, fails to comply with an LAEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Legal Member and Chair

15 October 2019